

FAS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 APR 1 AM 10:45  
08 MJ 098U  
CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Esteban GOMEZ-Armendariz,

Defendant

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Sec. 1325

Illegal Entry (Misdemeanor)

The undersigned complainant, being duly sworn, states:

That on or about **March 27, 2008**, within the Southern District of California, defendant, **Esteban GOMEZ-Armendariz**, an alien, did knowingly and willfully enter the United States at a time and place other than as designated by Immigration Officers, and elude examination and inspection by Immigration Officers, a misdemeanor; in violation of Title 8, United States Code, Section 1325.

And the complainant further states that this complaint is based on statement of the apprehending officer that the defendant was found near **San Ysidro, California**, and upon inquiry was unable to establish United States citizenship, and admitted to apprehending officer(s) that he was a citizen of **Mexico**, and had no right to be in or to enter the United States. It is further based upon the defendant's admission that he last entered the United States without inspection near **San Ysidro, California**, on or about **March 27, 2008**.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 1<sup>ST</sup> DAY OF APRIL 2008.



Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

## CONTINUATION RE:

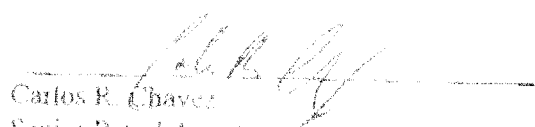
Esteban GOMEZ-Armendariz

I declare under the penalty of perjury that the following statement is true and correct.

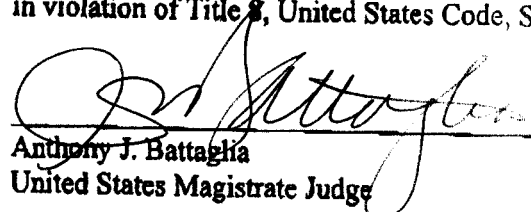
On March 27, 2008 at approximately 4:25 p.m. Border Patrol Agent J. F. Murphy, was performing stillwatch duties at the U.S.-Mexico international boundary about 5 miles west of the San Ysidro, California Port of Entry. He was notified, via radio, that a suspected illegal alien had entered the United States from Mexico near his position at an area known as "Sony Split" and was using a ladder to scale the secondary fence. Agent Murphy responded to the area and observed an individual entangled in the concertina wire on top of the secondary boundary fence. Agent Murphy identified himself as a Border Patrol Agent and conducted an immigration interview of the subject. The subject identified himself as GOMEZ-Armendariz, Esteban a citizen and national of Mexico, who was present in the United States illegally. GOMEZ was placed in custody and transported to the Imperial Beach Border Patrol station for processing.

At the station GOMEZ' fingerprints, photographs, and biographical information was entered into the D.H.S. alien processing system. The system immediately identified GOMEZ by as individual who had been previously apprehended three prior times and was granted a voluntary return in San Diego Sector from Yuma Sector on February 18, 2008.


Executed on March 29, 2008, at 9:00 a.m.

  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 27, 2008, in violation of Title 8, United States Code, Section 1325.

  
Anthony J. Battaglia

United States Magistrate Judge

  
Date/Time